

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

LR No.: 0544-06  
Bill No.: HCS for SB 186  
Subject: Marion County: Circuit Clerk, Ex-Officio Recorder of Deed  
Type: Original  
Date: April 21, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials of the **Office of State Courts Administrator** assume no fiscal impact on the Courts.

Officials of **Cass** and **Jefferson Counties** assume no fiscal impact.

Officials of the **Laclede County Clerks'** Office stated that they have separated the offices, and the fees provided by state law to run the offices is not sufficient. No fiscal impact statement was issued.

**Oversight** assumes to separate offices would require voter approval. Oversight assumes no state or local fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004	FY 2005	FY 2006
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT - Local Government

FY 2004

FY 2005

FY 2006

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Under current law, the Circuit Court of Marion County appoints the Circuit Clerk Ex Officio Recorder of Deeds. If the office is separated into District I Circuit Clerk and Recorder of Deeds, the court continues to appoint the District I Circuit Clerk. This substitute makes the position of Circuit Clerk Ex Officio Recorder of Deeds an elected position. The first election of the position will take place at the 2006 general election.

The substitute also clarifies that in counties where the Clerk of the Circuit Court and the Recorder of Deeds have been separated, the office of Recorder of Deeds will be elected at the next general election.

The substitute also requires that the Circuit Clerk in any county, except the City of St. Louis, operating under the nonpartisan court plan must be appointed by a majority of the Circuit Judges and Associate Circuit Judges of the Circuit Court.

The clerk may be removable for cause by a majority of these judges. The substitute becomes effective on January 1, 2004. Elected Circuit Clerks in office at that time will continue to hold their office until the expiration of their elected terms.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

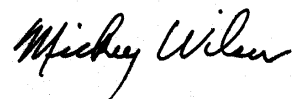
SOURCES OF INFORMATION

Office of State Courts Administrator  
Jefferson County Commission  
Cass County Commission  
Laclede County Clerk

RWB:LR:OD (12/02)

NOT RESPONDING

Marion County Officials  
Boone County  
Callaway County  
Clay County  
Franklin County  
Butler County  
Jasper County  
Howard County  
Lewis County  
Lincoln County  
Atchison County  
Andrew County



Mickey Wilson, CPA  
Director  
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